

I have heard learned counsel for the petitioner, Public Prosecutor for the State and the counsel appearing for non-petitioner No.3. The investigating officer is present in the Court with the police investigation diary. I have perused the police investigation diary and carefully gone through the statement of non-petitioner No.3 Jagrati Modi, who claims herself to be wife of the present petitioner Rajeev Dua.

The investigating officer submits that notice to the complainant/non-petitioner No. 2 issued by this Court has been served on him. The non-petitioner No. 3 is present in the Court and stated that she, at her own sweet will, went with the petitioner and married to him according to Hindu rites at Adarsh Vivah Mandal, Madhya Pradesh (Bhopal). A marriage certificate has been placed on record showing therein that non-petitioner No.3 married to the petitioner on 5-8-2006 according to Vedic rites. She has filed an affidavit stating therein that on the date of her deposition, i.e. 4.8.2006, she is 22 years in age and her date of birth, as disclosed in the affidavit, is 3-10-1984, which finds corroboration from the certificate issued by the Board of Secondary Education, Rajasthan, Ajmer for the year 2000, wherein the date of birth of the non-petitioner No.3 has been shown as 3-10-1984 and a photo stat copy of the marks-sheet has been placed on record. She stated that petitioner Rajeev Dua is aged about 23 years and has been known to her previously and the parties agreed to marry each other. She, at her own sweet will, married to the petitioner according to Hindu rites and wishes to live with him as his wife. She categorically stated that she has not been kidnapped by the petitioner, but, on the contrary, it is she who persuaded the petitioner to marry with her and on her pursuation, the parties married according to Hindu rites and, therefore, there is no evidence that the non-

petitioner No.3 was kidnapped or abducted or induced her to go from her parents house by deceitful means with intent that she may be seduced to illicit intercourse.

In the police investigation diary, the police recorded the statement of the non-petitioner No.3, wherein also, she categorically stated that the petitioner has been closed to her for last five years and they fell in love and wanted to marry. However, she had put a proposal to her father to marry her with the petitioner, whereupon her father declined to marry her with the petitioner and, therefore, she persuaded the petitioner to marry her and accordingly, on 1-8-2006, both the parties agreed to marry and left Bikaner for Bhopal, where she married with petitioner Rajeev Dua at Adarsh Vivah Mandal, Madhya Pradesh (Bhopal) according to Vedic rites.

From the statement of the non-petitioner No.3 made by her in the Court, as also recorded by the police and the affidavit filed by her to this effect, I am of the view that there is absolutely no evidence that the non-petitioner No.3, the daughter of non-petitioner No.2, was either induced or compelled by the petitioner to go from her parents house or she was kidnapped. In the circumstances, therefore, even if the FIR is allowed to be investigated, no useful purpose would be served; on the contrary, it would amount to abuse of process of the Court and, therefore, to secure the ends of justice, the FIR

deserves to be quashed.

In *Lata Singh Vs. State of U.P.* Anr., 2006 AIR SCW 3499, the Hon'ble Supreme Court held that disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, or violence is actually committed on them. Such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. Direction issued to Administration / police authorities throughout the country to see to it that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is not harassed by any one nor subjected to threats or acts of violence, and any one who gives such threats or harasses or commits acts of violence either himself or at his instigation is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by

law.

On similar facts, the Hon'ble Apex Court, while allowing the writ petition (criminal) in Lata Singh Vs. State of U.P. & Anr. (supra), the FIR registered with the Police Station, Sarojini Nagar, Lucknow and the criminal proceedings pending thereunder were quashed. The facts of the present case are almost identical to the facts in Lata Singh's case (supra).

Having regard to the facts and circumstances of the case and keeping in view the fact that no such evidence is likely to come on record that the non-petitioner No.3 was kidnapped or induced by deceitful means to marry with the petitioner, allowing the FIR and investigation thereunder to continue would be nothing more than a futile exercise and would result in abuse of process of the court; therefore, to secure the ends of justice, the FIR in question deserves to be quashed.

Consequently, the criminal miscellaneous petition is allowed and the FIR No.84/2006 dated 4-8-2006 of Police Station, Kotwali, Bikaner for the offences under Section 363 and 366 IPC is hereby quashed.

(H.R. PANWAR), J.

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